GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Department for Women, Children, Differently Abled & Senior Citizens – Constitution of Committees at Gram Panchayat, Mandal Praja Parishad and District Level to identify the mentally challenged persons in Andhra Pradesh– Orders of the Hon'ble High Court - Recommendations of the Andhra Pradesh State Legal Services Authority – Accepted – Orders – Issued.

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Department for Women, Children, Differently Abled & Senior Citizens

G.O.MS.No. 13 Dated: 31-08-2017

Read the following :

1. G.O.Ms.No.1, Dept. for Women, Children, Differently Abled & Senior Citizens (Prog.II), dt.22.02.2017.
2. Orders Hon'ble High Court, dt.20.07.2017 in PIL No.238/2015.
3. From the Director (FAC), WDA&SC, Lr.No.C1/491/2016, dt.20.12.2016 and 03.08.2017.

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O R D E R S:

The Hon'ble Supreme Court of India in WP (Civil) No.559 of 1994, while examining the touching rights of under-trail prisoners especially the females and the children with them, directed the High Courts to examine the question relating to the rights of mentally challenged under trials and convicts and the rights of such unfortunate members of the society as suffer from any mental disability and whether any directions are required to be issue in relation to people who suffer from such illness but are not involved in any crime and yet suffer harassment, neglect or deprivation at the hands of their family or are seen roaming about in public places without any one taking responsibility for their protection or maintenance.

2. The Hon'ble High Court of Judicature at Hyderabad for the State of Telangana and the State of Andhra Pradesh treated the circumstances stated in the report of the District Legal Services Authorities in the State of Telangana and Andhra Pradesh, submitted by the Member Secretary A.P. State Legal Services Authority in pursuant to the direction of the Hon'ble Supreme Court of India in W.P. (Civil) No. 559/1994 as PIL No.238/2015 that came up for hearing on 22.12.2016, and also observing that the reports submitted by the respective Principal Secretaries of the Andhra Pradesh and Telangana State legal Services Authorities giving details of pregnant woman, children and mentally challenged under trial and convicted prisoners found certain deficiencies and pointed out with regard to the facilities being provided in Sub-Jails /District Jails to these prisoners and directed the respective Principal Secretaries of Women and Child and Social Welfare of both the States to examine the reports filed by the Secretaries of the Legal Services Authorities and file their own reports identifying the areas of deficiencies and suggesting remedial measures. As regard the mentally challenged persons, who are not involved in any criminal case and are subjected to hardship/ harassment by their family members, the Principal Secretaries of Social Welfare Department of both the States were directed to submit their reports as to the modalities by which they need to be identified by the next date of hearing.

3. In order to comply with the directions of the Hon'ble Hight Court Government in reference 1st read above, issued orders constituting Committees at Gram Panchayat, Mandal Praja Parishad and District level to identify the mentally challenged persons who are not involved in any crime and yet, suffer harassment, neglect or deprivation at the hands of their family, for their care, protection or maintenance.

4. In compliance to the direction of the Hon'ble High Court dated 10.04.2017 in the said PIL NO. 238/2015 , the Member Secretary , Andhra Pradesh State Legal Services Authority has submitted the suggestions on the points in the Report of the Government of Andhra Pradesh on 05.06.2017. The Hon'ble High Court observing that both the State Governments have agreed to implement the suggestion made by the Legal Services Authorities of the two States and directed to examine each of the suggestions and issue appropriate Government orders for implementation of the suggestions.

5. In the reference 3rd read above, the Director, Welfare of Differently Abled and Senior Citizens, Guntur, Andhra Pradesh has furnished the following suggestions/ recommendations of the Andhra Pradesh State Legal Services Authority :-

1. The Secretary, District Legal Services Authority may be included as SPECIAL INVITEE to the District Level Committee.
2. Imparting training to Panel Lawyer and Para Legal Volunteers (PLVS) shall be identified by each District Legal Services Authority (DLSA) and Mandal Legal Services Committee (MLSC) in SADARAM (Soft Ware for assessment of disability for access, rehabilitation and empowerment) Skills and Welfare Department schemes to the family members of mentally disabled persons and also for obtaining Disability Certificate.
3. Non-Government Organization working for the cause of mentally disabled persons with finance assistance by Government shall submit monthly reports District Legal Services Authority (DLSA) on certain points i.e. Name of Addresses disable persons, date of admission, whether orphan are neglect by parents, nature disability, nature treatment are been provided, date of discharge etc.
4. While conducting awareness campaign for the benefit of mentally ill persons by District Legal Services Authority (DLSA) (or) Mandal Legal Services Committee (MLSC) the Members of Gram Panchayat Level Committee (or) Mandal Level Committee (or) District Level Committee as the case may be shall involved.
5. The Three Members of Committee under National Trust for Welfare of persons with Autism (Act 1991) 1) GARUNDA SCHEME 2) SAMARTH SCHEME AND (3) VIKASH SCHEME shall coordinate with respective DLSA or MLSC and make themselves involved in the awareness campaign.
6. District Legal Services Authority shall also monitor through Para Legal Volunteers whether cured persons have been re-united with family are facing any harassment or neglect; if any such cases are noticed immediately steps for protecting the life of such persons shall be taken.
7. The Secretary, District Legal Service Authority (DLSA) while visiting home shall verify the details with reference to Monthly reports and living conditions in the home and if any deficiency found, the Secretary shall instruct the incharge of the home for rectification failing which he shall bring to the notice of the District Collector concerned, for rectification.
8. The Registrar of High Court may issue a circular to all the courts in the State of Andhra Pradesh to submit monthly reports with the following details :
   (1) How many persons either offenders or non-offenders were brought before each court in the month.
   (2) How many persons were referred to medical treatment.
   (3) If a person report to the Hospital by invoking the provisions of chapter XXV of Cr.P.C. the details of requisition order.

(4) The details of discharge order after receipt of requisition from the concerned hospital.
(5) Reason for discharge.
(6) To whom such persons has been handed over

9. Whenever a person has been admitted in the hospital for treatment under receipt of orders of Court, if such person is cured from the mental illness, then the hospital authorities shall send requisition to the Court for discharge order. Copy of such letter may also be marked to the District Legal Service Authority (DLSA) to follow up steps for early issue of discharge order by the concerned court.
10. The State Government shall give wide publicity by way of posters, slides in Cinema Theatres pamphlets etc. about the rights of mentally disabled persons and methods of treatment to the said persons and about the welfare schemes of state for benefit of said persons to reach nook and corner of State covering rural Villages, Mandals and Districts as is being done in respect of Pulse Polio.
11. Mentally ill persons belonging to other states identified in the State Andhra Pradesh, the concerned District Collector shall take necessary steps to hand over such persons to the state concerned either by re-uniting with their family or to provide necessary treatment as the case may be. The assistance of State Legal Services Authority can be availed in case of necessity to handed over the persons to the State concerned.
12. Whenever a persons with disability is identified by the Gram Panchayat Level Committee or Mandal Level Committee or District Level Committee or brought to its notice by any persons, the Chairpersons of the Committee shall immediately report to the notice of Station House Officer of concerned Police Station, marking a copy to the District Level Committee to protect the rights of the said mentally disabled person, to avoid wandering on the street and to protect from physical harassment.
13. The State Government shall prepare the list of licensed and un-licensed psychiatric/hospitals and nursing home in the State and communicate the same to the State Legal Service Authority every year.
14. Every Police Station shall maintain the records of :

Details of persons suffering with mentally illness, including homeless and those wandering on streets within their jurisdiction.
Details of family of such persons with address for communication.
Steps taken by police in this regard including production before concerned court.
Date of receipt of the order of court, name of the hospital in which the patient is admitted and date of admission.
Date of discharge.

6. Government after careful examination of the suggestions made by the State Legal Services Authorities, hereby order to approve the above suggestions in its totality and further order/direct as follows:

(a) The Secretary District Legal Services Authority is included as a Special Invitee to the District Level Committee constituted vide G.O.Ms.No. 1 WDCDA&SC (Prog.II) Department dated 22.02.2017.

(b) The Commissioner, Welfare of Differently Abled and Senior Citizens , Vijayawada shall ensure prompt action by

(i) imparting training to Panel Lawyer and Para Legal Volunters (PLVS) who shall be identified by each District Legal Services Authority (DLSA) and Mandal Legal Services Committee (MLSC) in SADARAM (Soft Ware for assessment of disability for access, rehabilitation and empowerment) Skills and Welfare Department Schemes to the family members of mentally disabled persons and also for obtaining Disability Certificate

(ii) shall submit monthly reports submitted by the Non-Government Organization working for the cause of mentally disabled persons with financial assistance by Government to the District Legal Services Authority (DLSA) on certain points i.e. Name & Addresses disable persons, date of admission, whether orphan are neglect by parents, nature disability, nature treatment provided, date of discharge etc.

(iii) to involve the members of Gram Panchayaat Level Committee (or) Mandal Level Committee (or) District Level Committee while conducting awareness campaign for the benefit of mentally ill persons identified by the District Legal Services Authority (DLSA) (or) Mandal Legal Services Committee; and

(iv) involve the three (3) Members of Committee under National Trust for Welfare of Persons with AUTISM (Act, 1999) (1) GARUNDA SCHEME (2) SAMARTH SCHEME AND (3) VIKASH SCHEME to coordinate with District Legal Service Authority or Mandal Legal Services Committee and make themselves involve in the awareness campaign;

(v) the District Legal Services Authority shall also monitor through Para Legal Volunteers whether the persons who were cured and reunited with families are facing any harassment or neglect, if any such cases are noticed the District Legal Service Authority shall take immediate steps to protect the life of such persons for giving their family members ;

(vi) to review the reports submitted by the Secretary, District Legal Service Authority while visiting home shall verify the details with reference to monthly reports and living conditions in the home and if any deficiency found, shall instruct the in-charge of the home for rectification, failing which it shall be brought to the notice of the District Collector for rectification periodically.

(c) The Commissioner, Welfare of Differently Abled and Senior Citizens , Vijayawada and the Director, Health, Medical and Family Welfare Department, Vijayawada shall take necessary steps for early issue of discharge order by the concerned Court, whenever a person has been admitted in the hospital for treatment under receipt of orders of Court, if such person is cured from the mental illness then the hospital authorities shall send requisition to the Court for discharge order and a copy of such letter shall also be marked to the District Legal Service Authority. Further he shall also furnish the list of licensed and un-licensed psychiatric/Hospitals and Nursing Homes in the State to the State Legal Service Authority every year.

(d) The Commissioner, Welfare of Differently Abled and Senior Citizens , Vijayawada and the Commissioner, Information and Public Relations Department shall take necessary steps to give wide publicity by way of posters, slides in Cinema Theatres, pamphlets etc. about the rights of mentally disabled persons and methods of treatment to the said persons and about the Welfare Schemes of State for the benefit of said persons to reach every nook and corner of the State covering rural villages, mandals and districts as being done in respect of Pulse Polio.

(e) The Commissioner, Welfare of Differently Abled and Senior Citizens , Vijayawada and the Director General of Police, Andhra Pradesh, Mangalagiri shall ensure that the Chairpersons of the Gram Panchayat Level Committee or Mandal Level Committee or District Level Committee shall immediately report and bring to the notice of Station House Officer of concerned Police Station, whenever a person with disability is identified by them or brought to their notice by any persons; to protect the right of said mentally disabled person and to avoid them wandering on the street and protect them from physical harassment. The Director General of Police shall ensure that the monthly reports are furnished to the Commissioner, Welfare of Differently Abled and Senior Citizens, Vijayawada regularly.

(f) The Director General of Police, Andhra Pradesh, Mangalagiri shall issue necessary directions to every Police Stations in the State to maintain the records of **(i)** Details of persons suffering with mentally illness, including homeless and those wandering on streets within their jurisdiction **(ii)** Details of family of such persons with address for communication; **(iii)** Steps taken by police in this regard including production before concerned court; **(iv)** Date of receipt of order of court, name of the hospital in which the patient is admitted and date of admission; **(v)** Date of discharge. The Director General of Police shall ensure that the monthly reports are furnished to the Commissioner, Welfare of Differently Abled and Senior Citizens , Vijayawada regularly.

(g) The Law / Home (Courts) Department may request the Registrar of Hon'ble High Court to issue necessary instructions to the all the Courts in the State of Andhra Pradesh to submit their monthly report with the details of **(i)** how many persons either offenders or non-offenders were brought before each court in the month **(ii)** how many persons were referred to medical treatment **(iii)** if a person report to the Hospital by invoking the provisions of chapter XXV of CrPC the details of requisition order. **(iv)** the details of discharge order after receipt of requisition from the concerned hospital **(v)** reasons for discharge and **(vi)** to whom such persons has been handed over.

(h) the Collector and District Magistrate in the State shall take necessary steps to hand over the mentally ill persons belonging to other states if identified in the District/ State to the State concerned either by re-uniting them with their family or to provide necessary treatment as the case may be. The assistance of State Legal Services Authority can be availed in case of necessity, to hand over the persons to the State concerned.

7. The Commissioner, Welfare of Differently Abled and Senior Citizens , Vijayawada / the Director, Health, Medical and Family Welfare Department, Vijayawada/ the Commissioner, Information and Public Relations Department, Vijayawada/ the Director General of Police, Andhra Pradesh, Mangalagiri/ the District Magistrate and Collectors in the State are requested to take immediate necessary action accordingly in the matter.

8. The Law/ Home (Courts) Department are also requested to take immediate necessary action on item (g) above.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

KOLAVENTY SUNITHA,
SECRETARY TO GOVERNMENT.

To
The Director, Welfare of Differently Abled & Senior Citizens,
Behind Puchalapalli Sundaraiah Municipal High School,
LBS Nagar, Payakapuram, Vijayawada.

The Special Commissioner, Women Development and Child Welfare,
Jampani towers, Lords Center, Guntur (with a request to take necessary action)
The Director, Health, Medical and Family Welfare Department, Vijayawada.
The Commissioner, Information and Public Relations Department, Vijayawada
The Director General of Police, Andhra Pradesh, Mangalagiri
All the District Magistrate and Collectors in the State.
The Member Secretary, Andhra Pradesh State Legal Services Authority,
City Civil Court Buildings, Hyderabad.
The Law (H) Department, `1st Block, AP Secretariat,Velagapudi.

Copy to:

The Advocate General, Andhra Pradesh, Hyderabad.
The Registrar General, High Court of Judicature at Hyderabad for the States of Telangana and the State of Andhra Pradesh.
P.S. to Secretary to Govt., Dept. for WCDA&SC.
The Health Medical and Family Welfare Department.
The Home (Courts) Department.
The Law (E) Department.
SC/SF

//FORWARDED:: BY ORDER//

SECTION OFFICER